

New Zealand.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Place for hearing disputes affecting two or more districts.</p> <p>3. Where dispute settled before Council of Conciliation, terms of settlement may be embodied in award without a hearing by the Court. Exemptions.</p> | <p>4. Enlargement of power of Court to delegate functions.</p> <p>5. Only named respondents need be cited under section 42 of principal Act.</p> <p>6. Extension to disputes affecting two or more districts of certain provisions as to citation of employers.</p> <p>7. As to temporary appointment of Hon. Mr. Justice Callan as Judge of the Arbitration Court.</p> |
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1939, No. 37.

Title.

AN ACT to amend the Industrial Conciliation and Arbitration Act, 1925. [6th October, 1939.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1939,

and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1925 (hereinafter referred to as the principal Act).

See Reprint of Statutes, Vol. III, p. 939

2. Section fifty-eight of the principal Act is hereby amended as follows:—

Place for hearing disputes affecting two or more districts.

(a) By inserting, after subsection five, the following subsection:—

“(5A) The hearing by the Council of Conciliation of any dispute to which this section relates shall take place at Wellington:

“Provided that the Commissioner may, with the consent of the parties to the dispute, fix some other place or places for the hearing”:

(b) By repealing subsection seven, and substituting the following subsection:—

“(7) In any such case the dispute shall be heard by the Court at Wellington:

“Provided that the Court may, on the joint application of the parties, fix some other place or places for the hearing of the dispute.”

3. (1) As an alternative to the method prescribed by section thirteen of the Industrial Conciliation and Arbitration Amendment Act, 1936, if a settlement of an industrial dispute is arrived at by the parties in the course of an inquiry held before a Council of Conciliation in accordance with the provisions of the principal Act, the terms of the settlement may be reduced to writing and on the written request of the assessors shall be forwarded by the Clerk of Awards directly to the Court of Arbitration, wherever it may be sitting, and the Court may forthwith incorporate the terms of the settlement in an award without any hearing of the dispute.

Where dispute settled before Council of Conciliation, terms of settlement may be embodied in award without a hearing by the Court. 1936, No. 6

(2) The provisions of subsections two and three of the said section thirteen shall, with the necessary modifications, apply in respect of every such award as from the date of the making of the award as if it were an industrial agreement made under that section and filed in the office of the Clerk of Awards on that date.

Exemptions.

Enlargement
of power of
Court to
delegate
functions.
1937, No. 10

See Reprint
of Statutes,
Vol. III,
pp. 198, 240

Only named
respondents
need be cited
under
section 42 of
principal Act.
1937, No. 10

Extension to
disputes
affecting two or
more districts
of certain
provisions as
to citation of
employers.
1937, No. 10

As to
temporary
appointment
of Hon. Mr.
Justice Callan
as Judge of the
Arbitration
Court.

4. Section four of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, is hereby amended, as from the passing of that Act, as follows:—

(a) By inserting in subsection one, after the words “by order under the seal of the Court”, the words “or in such other manner as the Court thinks fit”:

(b) By omitting from subsection one the words “in the order”, and substituting the words “by it”:

(c) By adding to subsection one the words “or under the Factories Act, 1921–22, or under the Shops and Offices Act, 1921–22”.

5. Notwithstanding anything contained in section five of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, the term “respondents” where used in subsection one of section forty-two of the principal Act shall be deemed to mean and always to have meant the respondents named in the application made for the hearing of the dispute by a Council of Conciliation.

6. The provisions of section five of the Industrial Conciliation and Arbitration Amendment Act (No. 2), 1937, shall, with the necessary modifications, apply, and be deemed to have always applied, with respect to applications made under section fifty-eight of the principal Act, and with respect to any proceedings before the Court arising out of any such application.

7. It is hereby declared that the appointment of the Honourable John Bartholomew Callan, a Judge of the Supreme Court of New Zealand, to act as a Judge of the Court of Arbitration during the illness of the Honourable Patrick Joseph O'Regan was validly and lawfully made and that, notwithstanding anything to the contrary in the principal Act, it shall be lawful and be deemed to have been lawful for the Honourable John Bartholomew Callan to continue to act as such Judge for so long as may be necessary to complete the hearing and determination of such matters as have been heard or partly heard by the Court of Arbitration before the passing of this Act, while he was acting as a Judge thereof.